

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION**

ADAM GRAY,)	
)	
Plaintiffs,)	
)	
v.)	No. 18 cv 2624
)	
CITY OF CHICAGO, et al.,)	Judge John Z. Lee
)	
Defendants.)	

**AGREED MOTION FOR ENTRY OF CONFIDENTIALITY ORDER AND
QUALIFIED HIPAA AND MHDDCA PROTECTIVE ORDER**

Defendant City of Chicago (“City”), by its attorney, Terrence M. Burns of Reiter Burns LLP, hereby moves this Honorable Court for entry of an agreed confidentiality order and qualified HIPAA and MHDDCA protective order. In support thereof, Defendant City states as follows:

1. On October 1, 2018, plaintiff filed his second amended complaint in this matter alleging § 1983 civil rights claims, including false confession, unlawful detention, violation of due process, failure to intervene, and conspiracy and state law claims for intentional infliction of emotional distress, malicious prosecution, and civil conspiracy. Plaintiff also alleges a *Monell* claim against the City. (Dkt. 82.)

2. Plaintiff’s claims arise from his arrest and conviction for an arson double murder that occurred when he was 14 years of age. He alleges as a result of his wrongful conviction he suffered severe emotion, mental and physical suffering.

3. Documents pertaining to parties and non-parties have been (or will be) sought in this matter, including the production of information protected from disclosure by statute; financial information; medical information, including psychiatric and mental health records; personal identity information; income tax returns (including attached schedules and forms), W-2 forms and

1099 forms; personnel and employment records, juvenile law enforcement records; and Chicago Public Schools student records of Adam Gray, including his enrollment and graduation status, transcripts, and disciplinary history.

4. The parties agree that entry of the proposed Agreed Confidentiality Order, attached as Exhibit A, is necessary to ensure the protection of such information, consistent with the principles of federal and Illinois law.

5. The proposed Agreed Confidentiality Order, Exhibit A, was drafted in accordance with the Model Confidentiality Order in this District. To the extent any provisions differ from those set forth in the model order, those differences are indicated in the redlined version of the proposed Confidentiality Order, attached as Exhibit B, consistent with this Court's standing order.

6. Additionally, the parties agree that entry of the Agreed Qualified HIPAA and MHDDCA Protective Order, attached as Exhibit C, will facilitate receipt of plaintiff's personal health information ("PHI"), Mental Health Communication, and/or Mental Health Record, as those terms are defined in the Health Insurance Portability and Accountability Act of 1996, ("HIPAA") codified primarily at 18, 26 and 42 U.S.C., 45 C.F.R. §§ 160 & 164, and the Mental Health and Developmental Disabilities Confidentiality Act ("MHDDCA"), 740 ILCS 110/1-17.

Wherefore, Defendant City respectfully requests this Court find good cause to enter the proposed Agreed Confidentiality Order and proposed Agreed Qualified HIPAA, Exhibit A, and MHDDCA Protective Order, Exhibit C.

Dated: November 1, 2018

Respectfully submitted,

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s/ Elizabeth A. Ekl

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One of the Attorneys for Defendant,
CITY OF CHICAGO

CERTIFICATE OF SERVICE

I hereby certify that on **November 1, 2018**, I electronically filed the foregoing **Motion for Entry of Agreed Confidentiality Order and Agreed Qualified HIPAA and MHDDCA Order** with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record via the Court's CM/ECF system.

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s/ Elizabeth A. Ekl
